

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

CORTEZ DUANDRE JONES,

Plaintiff,

v.

VERSACE; ALEXANDER WANG;
VIVIAN WANG; DUBIN LAW GROUP,

Defendants.

CASE NO. 2-23-cv-1298

ORDER

Plaintiff Cortez Daundre Jones requested leave to proceed *in forma pauperis* against Defendants Versace, Alexander Wang, Vivian Wang, and Dubin Law Group. Dkt. No. 1 at 2-3. Jones alleges “[r]obbery via models in connection to Versace.” Dkt. No. 1-1 at 3. The Honorable S. Kate Vaughn, U.S. Magistrate Judge for the District, issued a Report and Recommendation (“R&R”), recommending that the Court deny Jones’s IFP application because he provided inconsistent and insufficient financial information. Dkt. No. 5. On August 30, 2023—prior to Judge Vaughn’s R&R—Jones filed objections, including for this matter. Dkt. No. 4. Jones states in his objection that “[a]ll IFP have been edited to explain the income reported was in fact income

1 that was not reported via taxes and income from investments that have not been
2 made available to spend.” *Id.* at 1.

3 The Court has reviewed Jones’s proposed complaint, his IFP application, and
4 the other files on record and finds Jones’s filings devoid of any factual or legal
5 details demonstrating the basis for the Court’s continued jurisdiction or the
6 plausibility of Plaintiff’s claims for relief.

7 Addressing the jurisdictional issue first, the Court has an ongoing duty to
8 ensure that it has jurisdiction over Plaintiff’s claims. *Leem v. Bank of Am. Home*
9 *Loans*, No. C13-1517RSL, 2014 WL 897378, at *1 (W.D. Wash. Mar. 6, 2014) (citing
10 *Watkins v. Vital Pharm., Inc.*, 720 F.3d 1179, 1181 (9th Cir. 2013); Fed. R. Civ. P.
11 12(h)(3)).

12 Jones claims the Court has diversity jurisdiction. “[D]iversity jurisdiction—
13 exists where an action is between citizens of different States and the matter in
14 controversy exceeds the sum or value of \$75,000, exclusive of interest and costs.”
15 *Dermarest v. HSBC Bank USA, N.A.*, 920 F.3d 1223, 1226 (9th Cir. 2019) (internal
16 citation omitted). “It requires complete diversity of citizenship, meaning that the
17 citizenship of each plaintiff is diverse from the citizenship of each defendant.” *Id.*
18 (internal citation omitted). Jones is a citizen of Washington. Dkt. No. 1-1 at 1. And
19 the Court takes judicial notice that at least one of the named defendants—Dubin
20 Law Group, a Seattle-based personal injury law firm—is also a citizen on
21 Washington. Fed. R. Civ. P. 201(b)(1). Therefore, complete diversity does not exist.

22 Jones also alleges federal question jurisdiction. “The presence or absence of
23 federal-question jurisdiction is governed by the ‘well-pleaded complaint rule,’ which

1 provides that federal jurisdiction exists only when a federal question is presented on
2 the face of the plaintiff's properly pleaded complaint." *Caterpillar, Inc. v. Williams*,
3 482 U.S. 386, 392 (1987). Plaintiff has not identified a basis for federal question
4 jurisdiction. In fact, he has not identified any federal statutes, federal treatises, or
5 provisions of the United States Constitution at all.

6 Next, when considering IFP complaints, the Court must dismiss the action
7 "at any time [if] the court determines that . . . [the complaint] fails to state a claim
8 on which relief may be granted." 28 U.S.C. § 1915(e)(2); see *Lopez v. Smith*, 203 F.3d
9 1122, 1127 (9th Cir. 2000) ("[S]ection 1915(e) not only permits but requires a
10 district court to dismiss an [IFP] complaint that fails to state a claim."). "The
11 standard for determining whether a plaintiff has failed to state a claim upon which
12 relief can be granted under § 1915(e)(2)(B)(ii) is the same as the Federal Rule of
13 Civil Procedure 12(b)(6) standard for failure to state a claim." *Watison v. Carter*, 668
14 F.3d 1108, 1112 (9th Cir. 2012). Thus, the complaint "must contain sufficient
15 factual matter, accepted as true, to state a claim to relief that is plausible on its
16 face." *Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009) (internal citation omitted). This
17 standard "does not require 'detailed factual allegations,' but it demands more than
18 an unadorned, the-defendant-unlawfully-harmed-me accusation." *Id.* (quoting *Bell*
19 *Atl. Corp. v. Twombly*, 550 U.S. 544, 555 (2007)).

20 Jones's proposed complaint consists of three complete sentences, only two of
21 which could be considered claims even under a generous reading of his complaint.
22 None of these sentences include a statement meeting the *Twombly/Iqbal* pleading
23 standard. Using the Court's *pro se* complaint template, which instructs would be

1 plaintiffs to “[w]rite a short and plain statement of the claim,” Jones alleges (1)
2 “[r]obbery via models in connection to Versace,” and (2) that “Versace net worth
3 topples more than a billion every year stocks & sales.” Dkt. No. 1-1 at 3, 5. At the
4 top of the template’s page, Jones provides the only statement implicating that
5 Versace has in any way harmed *him*, stating “Versace connections work ways to rob
6 Cortez Daundre Jones via the owner & employee connections to current models.” *Id.*
7 Based on these allegations, Jones asserts \$20,000,000,000,000 (i.e., 20 trillion) as
8 the amount in controversy. *Id.* at 5.

9 In sum, the Court interprets Jones’s complaint to allege that Versace robbed
10 him through its models. *See id.* But Jones provides no facts to support a plausible
11 claim that Versace caused him damages in the amount of 20 trillion dollars. *See*
12 *Tripati v. First Nat’l Bank & Tr.*, 821 F.2d 1368, 1370 (9th Cir. 1987) (“An in forma
13 pauperis complaint is frivolous if ‘it had no arguable substance in law or fact.’”) (internal citation omitted). He likewise provides no facts implicating Alexander
14 Wang, Vivian Wang, or the Dubin Law Group for any cause of action. *See id.* Jones’s
15 complaint lacks any facts demonstrating a plausible claim for relief and must be
16 dismissed.
17

18 Ordinarily, when a court dismisses a *pro se* plaintiff’s complaint for failure to
19 state a claim, it must grant leave to amend even when no request to amend is made.
20 *Yagman v. Garcetti*, 852 F.3d 859, 863 (9th Cir. 2017). But leave to amend may be
21 denied when bad faith or futility are found. *Id.*; *see also Cal. Architectural Bldg.*
22 *Prod. v. Franciscan Ceramics*, 818 F.2d 1466, 1472 (9th Cir. 1988) (“Valid reasons
23 for denying leave to amend include undue delay, bad faith, prejudice, and futility.”).

1 At last count, Jones has filed over 60 lawsuits in the District since August 2, 2023,
2 which means he has filed more than one lawsuit a day for weeks. So many cases
3 filed in such a short amount of time supports a finding that Jones is advancing
4 claims without merit and that leave to amend would be futile.

5 Accordingly, the Court DENIES Jones's request to proceed IFP and
6 DISMISSES his complaint without prejudice or leave to amend.

7 Dated this 20th day of October, 2023.

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Jamal N. Whitehead
10 United States District Judge
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